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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2231 OF 2007

S.R.Borkar Petitioner
versus
The Chairman/Secretary,
Lijjat Ganga Co-op. Hsg.Soc.Ltd. Respondent

Sunil Malvankar for petitioner.
None for respondent.

CORAM : A.M.KHANWILKAR, J.

DATE : 13th December 2007

PC :

1. The only argument canvassed on behalf of petitioner is that the amount which is referred to in the Recovery Certificate-for the very same amount-there is already a pending dispute before the Co-operative Court. It is not necessary for me to elaborate this aspect of the matter. In the first place, the petitioner ought to have taken recourse to the statutory remedy under section 154 of the Maharashtra Co-operative Societies Act. In any case, as the counsel for the petitioner has fairly accepted the suggestion made to him, no further enquiry into the matter

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is necessary. This petition is disposed off on recording that the petitioner shall pay the recoverable dues to the society without prejudice to his rights and contentions to pursue the remedy pending before the Co-operative Court. that proceeding will be decided on its own merits in accordance with law uninfluenced by the fact that the petitioner has paid the amount under the recovery certificate. All questions in that behalf are left open. In the event the petitioner succeeds in the dispute pending before the Co-operative Court, will be entitled for adjustment of suitable amount from the respondent society. Petition disposed off on the above terms. This course is adopted in the peculiar facts of the case as the claim amount is less than Rs.10,000/-.

(A.M.KHANWILKAR, J.)